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8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 79/25-7851

13 **SALVADOR RAFAEL DIAZ-OWNER**  
14 **DBA LA BREA SMOG CHECK**  
15 **4545 W Washington Blvd. Unit C**  
16 **Los Angeles, CA 90016**  
**Automotive Repair Dealer Registration No.**  
**ARD 292117**  
**Smog Check, Test Only, Station License No.**  
**TC 292117**

**ACCUSATION**

17 **and**

18 **JESUS OMAR MARTINEZ**  
19 **16600 Orange Avenue 115**  
20 **Paramount, CA 90723**  
**Smog Check Inspector No.**  
**EO 645367**

21 Respondents.

22  
23 **PARTIES**

24 1. Patrick Dorais (“Complainant”) brings this Accusation solely in his official capacity  
25 as the Chief of the Bureau of Automotive Repair (“Bureau”), Department of Consumer Affairs.

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1 **Salvador Rafael Diaz-Owner dba La Brea Smog Check**

2 **Automotive Repair Dealer Registration**

3 2. On or about September 21, 2018, the Bureau issued Automotive Repair Dealer  
4 Registration Number ARD 292117 to Salvador Rafael Diaz-Owner dba La Brea Smog Check  
5 (“Respondent La Brea Smog”). The Automotive Repair Dealer Registration was due to expire on  
6 September 30, 2025, however, it was cancelled on or about May 12, 2025.

7 **Smog Check, Test Only, Station License**

8 3. On or about October 12, 2018, the Bureau issued Smog Check, Test-Only Station  
9 License Number TC 292117 to Respondent La Brea Smog. The Smog Check, Test-Only Station  
10 License was due to expire on September 30, 2025, however, it was cancelled on or about May 12,  
11 2025.

12 **STAR Station Certification**

13 4. On or about May 5, 2022, the Bureau certified La Brea Smog Check as a STAR  
14 Station. The certification was terminated on May 12, 2025.

15 **Jesus Omar Martinez**

16 **Smog Check Inspector License**

17 5. On or about December 9, 2024, the Bureau issued Smog Check Inspector License  
18 Number EO 645367 to Jesus Omar Martinez (“Respondent Martinez”). The Smog Check  
19 Inspector License was in full force and effect at all times relevant to the charges brought herein  
20 and will expire on August 31, 2026, unless renewed.

21 **JURISDICTION**

22 6. Business and Professions Code (“Code”) section 9884.7 provides that the Director  
23 may revoke an automotive repair dealer registration.

24 7. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid  
25 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary  
26 proceeding against an automotive repair dealer or to render a decision invalidating a registration  
27 temporarily or permanently.

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1 earlier than January 1, 2013, and on model-year 1996-99, inclusive, vehicles only,  
2 beginning no earlier than January 1, 2025. However, the department, in consultation  
3 with the state board, may prescribe alternative test procedures that include loaded  
4 mode dynamometer or two-speed idle testing for vehicles with onboard diagnostic  
5 systems that the department and the state board determine exhibit operational  
6 problems. The department shall ensure, as appropriate to the test method, the  
7 following:

8 (a) Emission control systems required by state and federal law are reducing  
9 excess emissions in accordance with the standards adopted pursuant to subdivisions  
10 (a) and (c) of Section 44013.

11 (b) Motor vehicles are preconditioned to ensure representative and stabilized  
12 operation of the vehicle's emission control system.

13 (c) For other than diesel-powered vehicles, the vehicle's exhaust emissions of  
14 hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen in an idle  
15 mode or loaded mode are tested in accordance with procedures prescribed by the  
16 department. In determining how loaded mode and evaporative emissions testing shall  
17 be conducted, the department shall ensure that the emission reduction targets for the  
18 enhanced program are met.

19 (d) For other than diesel-powered vehicles, the vehicle's fuel evaporative  
20 system and crankcase ventilation system are tested to reduce any nonexhaust sources  
21 of volatile organic compound emissions, in accordance with procedures prescribed by  
22 the department.

23 (e) For diesel-powered vehicles, a visual inspection is made of emission  
24 control devices and the vehicle's exhaust emissions are tested in accordance with  
25 procedures prescribed by the department, that may include, but are not limited to,  
26 onboard diagnostic testing. The test may include testing of emissions of any or all of  
27 the pollutants specified in subdivision (c) and, upon the adoption of applicable  
28 standards, measurement of emissions of smoke or particulates, or both.

(f) A visual or functional check is made of emission control devices specified  
by the department, including the catalytic converter in those instances in which the  
department determines it to be necessary to meet the findings of [Section 44001](#). The  
visual or functional check shall be performed in accordance with procedures  
prescribed by the department.

(g) A determination as to whether the motor vehicle complies with the  
emission standards for that vehicle's class and model-year as prescribed by the  
department.

(h) An analysis of pass and fail rates of vehicles subject to an onboard  
diagnostic test and a tailpipe test to assess whether any vehicles passing their onboard  
diagnostic test have, or would have, failed a tailpipe test, and whether any vehicles  
failing their onboard diagnostic test have or would have passed a tailpipe test.

(i) The test procedures may authorize smog check stations to refuse the testing  
of a vehicle that would be unsafe to test, or that cannot physically be inspected, as  
specified by the department by regulation. The refusal to test a vehicle for those  
reasons shall not excuse or exempt the vehicle from compliance with all applicable  
requirements of this chapter.

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12. Section 44015 of the Health and Safety Code states:

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(b) If a vehicle meets the requirements of Section 44012, a smog check station licensed to issue certificates shall issue a certificate of compliance or a certificate of noncompliance.

13. Section 44032 of the Health and Safety Code states:

No person shall perform, for compensation, tests or repairs of emission control devices or systems of motor vehicles required by this chapter unless the person performing the test or repair is a qualified smog check technician and the test or repair is performed at a licensed smog check station. Qualified smog check technicians shall perform tests of emission control devices and systems in accordance with Section 44012.

14. Section 44059 of the Health and Safety Code states:

The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and Professions Code, constitutes perjury and is punishable as provided in the Penal Code.

15. Section 44072.2 of the Health and Safety Code states:

The director may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee, or any partner, officer, or director thereof, does any of the following:

(a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health and Saf. Code, “ 44000, et seq.)] and the regulations adopted pursuant to it, which related to the licensed activities.

....

(c) Violates any of the regulations adopted by the director pursuant to this chapter.

(d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured.

16. Section 44072.8 of the Health and Safety Code states:

When a license has been revoked or suspended following a hearing under this article, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director.

17. Section 44072.10 of the Health and Safety Code, subdivision (c) states:

(c) The department shall revoke the license of any smog check technician or station licensee who fraudulently certifies vehicles or participates in the fraudulent

1 inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of  
2 the following:

3 (1) Clean piping, clean plugging, clean glassing, clean tanking, or any other  
4 fraudulent inspection practice, as defined by the department.

5 (2) Tampering with a vehicle emission control system or test analyzer system.

6 (3) Tampering with a vehicle in a manner that would cause the vehicle to  
7 falsely pass or falsely fail an inspection.

8 (4) Intentional or willful violation of this chapter or any regulation, standard, or  
9 procedure of the department implementing this chapter.

### 10 **REGULATORY PROVISIONS**

11 18. California Code of Regulations, title 16, section 3340.24, states:

12 . . . .

13 (c) The bureau may suspend or revoke the license of or pursue other legal  
14 action against a licensee, if the licensee falsely or fraudulently issues or obtains a  
15 certificate of compliance or a certificate of noncompliance.

16 19. California Code of Regulations, title 16, section 3340.30, states:

17 A licensed smog check inspector and/or repair technician shall comply with the  
18 following requirements at all times while licensed:.

19 (a) Inspect, test and repair vehicles, as applicable, in accordance with section  
20 44012 of the Health and Safety Code, section 44035 of the Health and  
21 Safety Code, and section 3340.42 of this article..

22 20. California Code of Regulations, title 16, section 3340.35 states:

23 (c) A licensed station shall issue a certificate of compliance or noncompliance  
24 to the owner or operator of any vehicle that has been inspected in accordance with the  
25 procedures specified in section 3340.42 of this article and has all the required  
26 emission control equipment and devices installed and functioning correctly.

27 21. California Code of Regulations, title 16, section 3340.41 states:

28 . . . .

(c) No person shall enter any vehicle identification information or emission  
control system identification data for any vehicle other than the one being tested into  
the EIS or OIS. Nor shall any person enter into the EIS or OIS any false information  
about the vehicle being tested.

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1 22. California Code of Regulations, title 16, section 3340.42, states:

2 Smog check inspection methods are prescribed in the Smog Check Manual,  
3 referenced by section 3340.45.

4 (a) All vehicles subject to a smog check inspection, shall receive one of the  
5 following test methods:

6 (1) A loaded-mode test shall be the test method used to inspect 1976 - 1999  
7 model-year vehicle, except diesel-powered, registered in the enhanced program areas  
8 of the state. The loaded-mode test shall measure hydrocarbon, carbon monoxide,  
9 carbon dioxide and oxides of nitrogen emissions, as contained in the bureau's  
10 specifications referenced in subsection (a) of Section 3340.17 of this article. The  
11 loaded-mode test shall use Acceleration Simulation Mode (ASM) test equipment,  
12 including a chassis dynamometer, certified by the bureau.

13 On and after March 31, 2010, exhaust emissions from a vehicle subject to this  
14 inspection shall be measured and compared to the emissions standards shown in the  
15 Vehicle Look-up Table (VLT) Row Specific Emissions Standards (Cutpoints) Table,  
16 dated March 2010, which is hereby incorporated by reference. If the emissions  
17 standards for a specific vehicle are not included in this table then the exhaust  
18 emissions shall be compared to the emissions standards set forth in TABLE I or  
19 TABLE II, as applicable. A vehicle passes the loaded-mode test if all of its measured  
20 emissions are less than or equal to the applicable emission standards specified in the  
21 applicable table.

22 (2) A two-speed idle mode test shall be the test method used to inspect 1976 -  
23 1999 model-year vehicles, except diesel-powered, registered in all program areas of  
24 the state, except in those areas of the state where the enhanced program has been  
25 implemented. The two-speed idle mode test shall measure hydrocarbon, carbon  
26 monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as  
27 contained in the bureau's specifications referenced in subsection (a) of Section  
28 3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection  
shall be measured and compared to the emission standards set forth in this section and  
as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its  
measured emissions are less than or equal to the applicable emissions standards  
specified in Table III.

(3) An OBD-focused test, shall be the test method used to inspect gasoline-  
powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998  
model-year and newer. The OBD test failure criteria are specified in section  
3340.42.2.

(b) In addition to subsection (a), all vehicles subject to the smog check program  
shall receive the following:

(1) A visual inspection of emission control components and systems to verify  
the vehicle's emission control systems are properly installed.

(2) A functional inspection of emission control systems as specified in the  
Smog Check Manual, referenced by section 3340.45, which may include an OBD  
test, to verify their proper operation.

(c) The bureau may require any combination of the inspection methods in  
sections (a) and (b) under any of the following circumstances:

1 (1) Vehicles that the department randomly selects pursuant to Health and Safety  
Code section 44014.7 as a means of identifying potential operational problems with  
2 vehicle OBD systems.

3 (2) Vehicles identified by the bureau as being operationally or physically  
incompatible with inspection equipment.

4 (3) Vehicles with OBD systems that have demonstrated operational problems.

5 (d) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter  
standards are as follows:

6 (1) A gross polluter means a vehicle with excess hydrocarbon, carbon  
7 monoxide, or oxides of nitrogen emissions pursuant to the gross polluter emissions  
standards included in the tables described in subsection (a), as applicable.

8 (2) Vehicles with emission levels exceeding the emission standards for gross  
9 polluters during an initial inspection will be considered gross polluters and the  
provisions pertaining to gross polluting vehicles will apply, including, but not limited  
10 to, sections 44014.5, 44015, and 44081 of the Health and Safety Code.

11 (3) A gross polluting vehicle shall not be passed or issued a certificate of  
compliance until the vehicle's emissions are reduced to or below the applicable  
12 emissions standards for the vehicle included in the tables described in subsection (a),  
as applicable. However, the provisions described in section 44017 of the Health and  
13 Safety Code may apply.

14 (4) This subsection applies in all program areas statewide to vehicles requiring  
inspection pursuant to sections 44005 and 44011 of the Health and Safety Code.

15  
16 23. California Code of Regulations, title 16, section 3373, states:

17 No automotive repair dealer or individual in charge shall, in filling out an  
estimate, invoice, or work order, or record required to be maintained by section  
18 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or  
information which will cause any such document to be false or misleading, or where  
19 the tendency or effect thereby would be to mislead or deceive customers, prospective  
customers, or the public.

### 20 21 **COST RECOVERY**

22 24. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
23 administrative law judge to direct a licensee found to have committed a violation or violations of  
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
24 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
25 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
26 included in a stipulated settlement.

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1 **FACTUAL ALLEGATIONS**

2 25. During the course of a Bureau Representative’s regular duties, the Bureau  
3 Representative accessed the Vehicle Information Database (“VID”) and reviewed Smog Check  
4 data transmitted from Respondent La Brea Smog from March 1, 2025, through April 30, 2025.  
5 Additionally, the Bureau Representative accessed the VID and produced copies of the BAR OIS  
6 Test Details and Certificate Sales.

7 26. During an OIS inspection, engine operating parameters are retrieved from the  
8 vehicle’s On-Board Diagnostics (“OBD II”) system and recorded to the VID. This is  
9 accomplished during the functional portion of the OIS Smog Check inspection by plugging the  
10 Data Acquisition Device (“DAD”) into the vehicle’s Diagnostic Link Connector (“DLC”) when  
11 prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

- 12 • Engine speed in revolutions per minute (“RPM”).
- 13 • The throttle position is measured by a throttle position sensor (“TPS”) mounted onto  
14 the throttle shaft. It is measured in a percentage of opening from 0% at idle and near  
15 or up to 100% at full throttle.
- 16 • Manifold absolute pressure as measured by a manifold air pressure sensor (“MAP”)  
17 connected to an intake manifold source, measured in kilo pascals (“kpa”). Typical  
18 readings for a normally aspirated vehicle undergoing Smog Check inspection are as  
19 follows: 25 kPa to 45 kPa at idle, with a subsequent decrease as the RPM is raised.
- 20 • Mass airflow as measured by a mass air flow sensor (“MAF”) mounted in the  
21 engine’s air intake tract and measured in grams per second (“grams/sec”).

22 27. During normal engine operation at idle, the engine speed is relatively steady around  
23 its target idle speed. With the engine idling, the TPS is constant and at or near 0%. The MAP  
24 and/or MAF readings are also steady. In order for the engine speed to increase, the throttle would  
25 have to be opened in order to increase airflow through the engine. The engine’s management  
26 systems supply fuel and spark timing appropriate to any changes in throttle position and engine  
27 speed. An increase in throttle, measured by the TPS, which increases engine RPM, would result  
28 in a corresponding increase in MAF as well as a decrease in MAP.

29 28. During an OIS Smog Check inspection, along with other visual and functional  
30 inspections, there is an OBD II query portion of the inspection. The OBD II query is performed  
31 with the engine idling, and when requested by the BAR-OIS analyzer, an elevated or increased  
32 engine speed.

1           29. The increase in engine speed is performed by the smog check inspector by stepping  
2 on the throttle pedal or manually opening the throttle, resulting in a corresponding increase in  
3 engine RPMs by allowing an increase in airflow into the engine.

4           30. The Bureau Representative conducted a detailed review of the VID data for the Smog  
5 Check inspections performed at Respondent La Brea Smog's facility. The review showed a  
6 pattern of vehicles being certified with engine operating parameters not corresponding to normal  
7 engine operation, confirming that the vehicles that received smog check certificates of  
8 compliance were not tested during the OBD II functional test, which constituted clean plugging<sup>1</sup>.  
9 The Bureau Representative's comprehensive review confirmed that ten (10) Smog Check  
10 Certificates of Compliance were fraudulently issued to vehicles by Respondent La Brea Smog.

11 **Fraudulent Inspection No. 1-2001 Ford Ranger Super Cab**

12           31. A Bureau Representative reviewed the OIS Test Data for Respondent La Brea Smog.  
13 The review showed that on or about March 9, 2025, a 2001 Ford Ranger Super Cab was tested,  
14 and Certificate of Compliance Number UK374934C was issued by Respondent Martinez.

15           32. The Dynamic PID Chart for the 2001 Ford Ranger Super Cab showed that between  
16 timestamps 12936 and 36423, the engine RPM was steady at around 800 RPM. During this time,  
17 the data showed that the throttle was fixed at 16.1% opening and the MAF was fixed at 4.09  
18 grams/sec. After timestamp 36834, the engine RPM was increased and then held steady at around  
19 1690 RPM. During this time, the data showed that the throttle was fluctuating between 13.3%  
20 and 18% opening, and the MAF was fluctuating erratically between 3.46 grams/sec and 4.93  
21 grams/sec.

22           33. The steady idle and steady elevated engine RPMs, along with the improbable throttle  
23 positions and MAF readings, were not characteristic or expected for normal engine operation.  
24 The throttle positions and MAF readings were expected to be stable at idle and at the elevated  
25 engine RPM, not fluctuate. The discrepancies in the OIS Test Data proved that the DAD was not  
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27           <sup>1</sup> Clean Plugging" refers to the use of another vehicle's properly functioning On Board Diagnostic,  
28 generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing  
fraudulent Smog Check Certificates of Compliance to vehicles that are not in smog compliance and/or not present for  
testing.

1 connected as required to the 2001 Ford Ranger Super Cab being certified, which caused the  
2 issuance of a fraudulent Smog Check Certificate of Compliance.

3 34. In reference to the station records the Bureau Representative had obtained on or about  
4 May 6, 2025, the Bureau Representative reviewed and attached the associated invoice and signed  
5 VIR for the 2001 Ford Ranger Super Cab.

6 **Fraudulent Inspection No. 2- 2002 Volvo V70 2.4T**

7 35. A Bureau Representative reviewed the OIS Test Data for Respondent La Brea Smog.  
8 The review showed that on or about March 12, 2025, a 2002 Volvo V70 2.4T was tested, and  
9 Certificate of Compliance Number UK875403C was issued by Respondent Martinez.

10 36. The Dynamic PID Chart for the 2002 Volvo V70 2.4T showed that between  
11 timestamps 983 and 22147, the engine RPM was steady at around 700 RPM. During this time,  
12 the data showed that the throttle rose from 0% opening to 4.3% opening and the MAF dropped  
13 from 4.91 grams/sec to 2.91 grams/sec. After timestamp 23186, the engine RPM was increased  
14 and then held steady at around 1950 RPM. During this time, the data showed that the throttle  
15 dropped from 2.7% opening to 0% opening, and the MAF dropped from 4.88 grams/sec to 3.7  
16 grams/sec.

17 37. The steady idle and steady elevated engine RPM data, along with the improbable  
18 throttle positions and MAF readings, were not characteristic or expected for normal engine  
19 operation. The throttle positions and MAF readings were expected to be stable at idle and at the  
20 elevated engine RPM, not rise and drop unexpectedly. The discrepancies in the OIS Test Data  
21 proved that the DAD was not connected as required to the 2002 Volvo V70 2.4T being certified,  
22 which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

23 38. In reference to the station records the Bureau Representative had obtained on or about  
24 May 6, 2025, the Bureau Representative reviewed and attached the associated invoice and signed  
25 VIR for the 2002 Volvo V70 2.4T.

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1 **Fraudulent Inspection No. 3-2003 Chevrolet Silverado C1500**

2 39. A Bureau Representative reviewed the OIS Test Data for Respondent La Brea Smog.  
3 The review showed that on or about March 22, 2025, a 2003 Chevrolet Silverado C1500 was  
4 tested, and Certificate of Compliance Number UK875430C was issued by Respondent Martinez.

5 40. The Dynamic PID chart for the 2003 Chevrolet Silverado C1500 showed that  
6 between timestamps 350 and 38943, the engine RPM was steady at around 825 RPM. During  
7 this time, the data showed that the throttle was fixed at 3.1% opening, the MAP was fixed at 35  
8 kPa, and the MAF was fixed at 3.55 grams/sec. After timestamp 39347, the engine RPM was  
9 increased and then held steady at around 1825 RPM. During this time, the data showed that the  
10 throttle was fluctuating erratically between 2 % opening and 5.5% opening, the MAP was  
11 fluctuating between 34 kPa and 43 kPa, and the MAF dropped from 4.45 grams/sec to 3.25 grams  
12 /sec.

13 41. The steady idle and steady elevated engine RPMs, along with the improbable throttle  
14 positions, MAP, and MAF readings, were not characteristic or expected for normal engine  
15 operation. The throttle positions, MAP, and MAF readings were expected to be stable at idle and  
16 at the elevated engine RPM, not fluctuate. The discrepancies in the OIS Test Data proved that the  
17 DAD was not connected as required to the 2003 Chevrolet Silverado C1500 being certified,  
18 which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

19 42. In reference to the station records the Bureau Representative had obtained on or about  
20 May 6, 2025, the Bureau Representative reviewed and attached the associated invoice and signed  
21 VIR for the 2003 Chevrolet Silverado C1500.

22 **Fraudulent Inspection No. 4-2001 Ford Ranger**

23 43. A Bureau Representative reviewed the OIS Test Data for Respondent La Brea Smog.  
24 The review showed that on or about March 22, 2025, a 2001 Ford Ranger was tested, and  
25 Certificate of Compliance Number UK875431C was issued by Respondent Martinez.

26 44. The Dynamic PID chart for the 2001 Ford Ranger showed that between timestamps  
27 350 and 21058, the engine RPM was steady at around 750 RPM. During this time, the data  
28 showed that the throttle was fixed at 16.1% opening and the MAF was fixed at 3.56 grams/sec.

1 After timestamp 21447, the engine RPM was increased and then held steady at around 1800  
2 RPM. During this time, the data showed that the throttle rose from 15.3 % opening to 18%  
3 opening, then dropped to 15.7% opening, and the MAF was fluctuating erratically between 3.28  
4 grams/sec and 5.07 grams/sec.

5 45. The steady idle and steady elevated engine RPMs, along with the improbable throttle  
6 positions and MAF readings, were not characteristic or expected for normal engine operation.  
7 The throttle position and MAF readings were expected to be stable at idle and at the higher engine  
8 RPM, not rise and drop unexpectedly and/or fluctuate. The discrepancies in the OIS Test Data  
9 proved that the DAD was not connected as required to the 2001 Ford Ranger being certified,  
10 which caused the issuance of a fraudulent Smog Check Certificate of Compliance.

11 46. In reference to the station records the Bureau Representative had obtained on or about  
12 May 6, 2025, the Bureau Representative reviewed and attached the associated invoice and signed  
13 VIR for the 2001 Ford Ranger.

14 **Fraudulent Inspection No. 5-2000 Ford Ranger Super Cab**

15 47. A Bureau Representative reviewed the OIS Test Data for Respondent La Brea Smog.  
16 The review showed that on or about March 24, 2025, a 2000 Ford Ranger Super Cab was tested,  
17 and Certificate of Compliance Number UK875441C was issued by Respondent Martinez.

18 48. The Dynamic PID chart for the 2000 Ford Ranger Super Cab showed that between  
19 timestamps 353 and 23378, the engine RPM was steady at around 975 RPM. During this time,  
20 the data showed that the throttle was fixed at 14.9% opening and the MAF was fixed at 3.61  
21 grams/sec. After timestamp 23742, the engine RPM was increased and held steady at around  
22 1600 RPM. During this time, the data that the throttle was fluctuating erratically between 14.1%  
23 opening and 17.6% opening, and the MAF was fluctuating erratically between 3.26 grams/sec and  
24 4.94 grams/sec.

25 49. The steady idle and steady elevated engine RPMs, along with the improbable throttle  
26 positions and MAF readings, were not characteristic or expected for normal engine operation.  
27 The throttle position and MAF readings were expected to be stable at idle and at the higher engine  
28 RPM, not fluctuate. The discrepancies in the OIS Test Data proved that the DAD was not

1 connected as required to the 2000 Ford Ranger Super Cab being certified, which caused the  
2 issuance of a fraudulent Smog Check Certificate of Compliance.

3 50. In reference to the station records the Bureau Representative had obtained on or about  
4 May 6, 2025, the Bureau Representative reviewed and attached the associated invoice and signed  
5 VIR for the 2000 Ford Ranger Super Cab.

6 **Fraudulent Inspection No. 6-2000 Chevrolet Silverado C1500**

7 51. A Bureau Representative reviewed the OIS Test Data for Respondent La Brea Smog.  
8 The review showed that on or about March 25, 2025, a 2000 Chevrolet Silverado C1500 was  
9 tested, and Certificate of Compliance Number UK875444C was issued by Respondent Martinez.

10 52. The Dynamic PID chart for the 2000 Chevrolet Silverado C1500 showed that  
11 between timestamps 343 and 19821, the engine RPM was steady at around 680 RPM. During  
12 this time, the data showed that the throttle was fixed at 0% opening, the MAP was fixed at 34  
13 kPa, and the MAF was fixed at 3.67 grams/sec. After timestamp 20184, the engine RPM was  
14 increased and then held steady at around 1640 RPM. During this time, the data showed that the  
15 throttle was fluctuating erratically between 1.6% opening and 5.5% opening, the MAP was  
16 fluctuating erratically between 33 kPa and 41 kPa, and the MAF dropped from 3.75 grams/sec to  
17 3.14 grams/sec, then gradually rose to 3.62 grams/sec.

18 53. The steady idle and steady elevated engine RPMs, along with the improbable throttle  
19 positions, MAP, and MAF readings, were not characteristic or expected for normal engine  
20 operation. The throttle positions, MAP, and MAF readings were expected to be stable at idle and  
21 at the elevated engine RPM, not drop and rise unexpectedly and/or fluctuate. The discrepancies  
22 in the OIS Test Data proved that the DAD was not connected as required to the 2000 Chevrolet  
23 Silverado C1500 being certified, which caused the issuance of a fraudulent Smog Check  
24 Certificate of Compliance.

25 54. In reference to the station records the Bureau Representative had obtained on or about  
26 May 6, 2025, the Bureau Representative reviewed and attached the associated invoice and signed  
27 VIR for the 2000 Chevrolet Silverado C1500.

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1 **Fraudulent Inspection No. 7-2006 Chevrolet Express G1500**

2 55. A Bureau Representative reviewed the OIS Test Data for Respondent La Brea Smog.  
3 The review showed that on or about April 17, 2025, a 2006 Chevrolet Express G1500 was tested,  
4 and Certificate of Compliance Number UM240860C was issued by Respondent Martinez.

5 56. The Dynamic PID chart for the 2006 Chevrolet Express G1500 showed that between  
6 timestamps 365 and 17870, the engine RPM was steady at around 830 RPM. During this time,  
7 the data showed that the throttle rose from 0.4% to 3.9% opening, then dropped to 2.4% opening,  
8 the MAP rose from 102 kPa to 110 kPa, then dropped to 99 kPa, and the MAF was fluctuating  
9 between 2.8 grams/sec and 5.1 grams/sec. After timestamp 18284, the engine RPM was  
10 increased and then held steady at around 1590 RPM. During this time, the data showed that the  
11 throttle dropped from 4.3% opening to 0.4% opening, then gradually rose to 2.4% opening, the  
12 MAP rose from 98 kPa to 108kPa, then dropped to 99 kPa, and the MAF varied between 3.94  
13 grams/sec to 4.59 grams/sec.

14 57. The steady idle and steady elevated engine RPMs, along with the improbable throttle  
15 positions, MAP, and MAF readings, were not characteristic or expected for normal engine  
16 operation. The throttle positions, MAP, and MAF readings were expected to be stable at idle and  
17 at the elevated engine RPM, not drop and rise unexpectedly, vary abnormally, and/or fluctuate.  
18 Additionally, with the elevated engine RPM, the MAF was expected to increase, not decrease to  
19 values less than idle. The discrepancies in the OIS Test Data proved that the DAD was not  
20 connected as required to the 2006 Chevrolet Express G1500 being certified, which caused the  
21 issuance of a fraudulent Smog Check Certificate of Compliance.

22 58. In reference to the station records the Bureau Representative had obtained on or about  
23 May 6, 2025, the Bureau Representative reviewed and attached the associated invoice and signed  
24 VIR for the 2006 Chevrolet Express G1500.

25 **Fraudulent Inspection No. 8-2002 Ford Econoline E150 Wagon**

26 59. A Bureau Representative reviewed the OIS Test Data for Respondent La Brea Smog.  
27 The review showed that on or about April 17, 2025, a 2002 Ford Econoline E150 Wagon was  
28 tested, and Certificate of Compliance Number UM240868C was issued by Respondent Martinez.

1           60. The Dynamic PID chart for the 2002 Ford Econoline E150 Wagon showed that  
2 between timestamps 349 and 35101, the engine RPM was steady at around 825 RPM. During  
3 this time, the data showed that the throttle was fixed at 17.6% opening and the MAF was fixed at  
4 3.59 grams/sec. After timestamp 35452, the data showed the engine RPM was increased and then  
5 held steady at around 1625 RPM. During this time, the data showed that the throttle dropped  
6 from 17.6% opening to 12.9% opening, then rose to 15.7% opening, and the MAF was fluctuating  
7 erratically between 2.84 grams/sec and 5.04 grams/sec.

8           61. The steady idle and steady elevated engine RPMs, along with the improbable  
9 throttle positions and MAF readings, were not characteristic or expected for normal engine  
10 operation. The throttle positions and MAF readings were expected to be stable at idle and at the  
11 elevated engine RPM, not drop and rise unexpectedly and/or fluctuate. Additionally, with the  
12 elevated engine RPM, the throttle position and MAF were expected to increase, not decrease to  
13 values less than idle. The discrepancies in the OIS Test Data proved that the DAD was not  
14 connected as required to the 2002 Ford Econoline E150 Wagon being certified, which caused the  
15 issuance of a fraudulent Smog Check Certificate of Compliance.

16           62. In reference to the station records the Bureau Representative had obtained on or about  
17 May 6, 2025, the Bureau Representative reviewed and attached the associated invoice and signed  
18 VIR for the 2002 Ford Econoline E150 Wagon.

19 **Fraudulent Inspection No. 9-2000 Ford Econoline E350 Super Duty Wagon**

20           63. A Bureau Representative reviewed the OIS Test Data for Respondent La Brea Smog.  
21 The review showed that on or about April 25, 2025, a 2000 Ford Econoline E350 Super Duty  
22 Wagon was tested, and Certificate of Compliance Number UM240879C was issued by  
23 Respondent Martinez.

24           64. The Dynamic PID chart for the 2000 Ford Econoline E350 Super Duty Wagon  
25 showed that between timestamps 359 and 22516, the engine RPM was steady at around 720  
26 RPM. During this time, the data showed that the throttle was fluctuating erratically between  
27 12.9% opening and 15.7% opening, and the MAF was fluctuating erratically between 5.46  
28 grams/sec and 7.55 grams/sec. After timestamp 22918, the engine RPM was increased and then

1 held above 1943 RPM. During this time, the data showed that the throttle dropped from 17.6%  
2 opening to 14.5% opening, then rose to 17.6% opening, and the MAF rose from 7.23 grams/sec to  
3 7.58 grams/sec, dropped to 5.48 grams/sec, then rose to 5.73 grams/sec.

4 65. The steady idle and elevated engine RPMs, along with the improbable throttle  
5 positions and MAF readings, were not characteristic or expected for normal engine operation.  
6 The throttle positions and MAF readings were expected to be stable at idle and at the elevated  
7 engine RPM, not drop and rise unexpectedly and/or fluctuate. The discrepancies in the OIS Test  
8 Data proved that the DAD was not connected as required to the 2000 Ford Econoline E350 Super  
9 Duty Wagon being certified, which caused the issuance of a fraudulent Smog Check Certificate of  
10 Compliance.

11 66. In reference to the station records the Bureau Representative had obtained on or about  
12 May 6, 2025, the Bureau Representative reviewed and attached the associated invoice and signed  
13 VIR for the 2000 Ford Econoline E350 Super Duty Wagon.

14 **Fraudulent Inspection No. 10-2000 Chevrolet Silverado C1500**

15 67. A Bureau Representative reviewed the OIS Test Data for Respondent La Brea Smog.  
16 The review showed that on or about April 29, 2025, a 2000 Chevrolet Silverado C1500 was  
17 tested, and Certificate of Compliance Number UM240896C was issued by Respondent Martinez.

18 68. The Dynamic PID chart for the 2000 Chevrolet Silverado C1500 showed that  
19 between timestamps 352 and 26100, the engine RPM was steady at around 780 RPM. During  
20 this time, the data showed that the throttle was fixed at 0% throttle opening, the MAP was fixed at  
21 37 kPa, and the MAF was fixed at 3.66 grams/sec. After timestamp 26488, the engine RPM was  
22 increased and then held steady at around 1575 RPM. During this time, the data showed that the  
23 throttle rose from 2.4% opening to 3.1% opening, dropped to 0.8% opening, then rose to 2%  
24 opening, the MAP rose from 35 kPa to 41 kPa, then dropped to 34 kPa, and the MAF was  
25 fluctuating erratically between 3.06 grams/sec and 4.68 grams/sec.

26 69. The steady idle and steady elevated engine RPMs, along with the improbable throttle  
27 positions, MAP, and MAF readings, were not characteristic or expected for normal engine  
28 operation. The throttle positions, MAP, and MAF readings were expected to be stable at idle and

1 at the elevated engine RPM, not drop and rise unexpectedly and/or fluctuate. The discrepancies in  
2 the OIS Test Data proved that the DAD was not connected as required to the 2000 Chevrolet  
3 Silverado C1500 being certified, which caused the issuance of a fraudulent Smog Check  
4 Certificate of Compliance.

5 70. In reference to the station records the Bureau Representative had obtained on or about  
6 May 6, 2025, the Bureau Representative reviewed and attached the associated invoice and signed  
7 VIR for the 2000 Chevrolet Silverado C1500.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Untrue or Misleading Statements)**

10 71. Respondent La Brea Smog's Automotive Repair Registration is subject to discipline  
11 pursuant to Code section 9884.7, subdivision (a)(1) and California Code of Regulations, title 16,  
12 section 3373, in that between March 9, 2025, through April 29, 2025, Respondent La Brea Smog  
13 made or authorized statements which he knew or in the exercise of reasonable care should have  
14 known to be untrue or misleading, as follows: Respondent La Brea Smog certified that vehicles 1  
15 through 10, set forth above, had passed inspection and were in compliance with applicable laws  
16 and regulations. Respondent La Brea Smog conducted the inspections on the vehicles using the  
17 clean plugging method by substituting or using different vehicles or another source during the  
18 OBD II functional tests to issue smog check certificates of compliance for the ten (10) vehicles,  
19 and did not test or inspect the ten (10) vehicles as required by Health and Safety Code section  
20 44012. Complainant refers to, and by this reference incorporates, the allegations set forth above  
21 in paragraphs 25 through 70, as though fully set forth.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Fraud)**

24 72. Respondent La Brea Smog's Automotive Repair Registration is subject to discipline  
25 pursuant to Code section 9884.7, subdivision (a)(4), in that between March 9, 2025, through April  
26 29, 2025, Respondent La Brea Smog committed acts that constitute fraud by issuing electronic  
27 smog check certificates of compliance for vehicles 1 through 10, set forth above, without  
28 performing bona fide inspections of the emission control devices and systems on those vehicles,

1 thereby depriving the People of the State of California of the protection afforded by the Motor  
2 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the  
3 allegations set forth above in paragraphs 25 through 70, as though fully set forth.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Material Violation of Automotive Repair Act)**

6 73. Respondent La Brea Smog's Automotive Repair Registration is subject to  
7 disciplinary action under Code section 9884.7, subdivision (a)(6), in that between March 9, 2025,  
8 through April 29, 2025, regarding vehicles 1 through 10, set forth above, Respondent La Brea  
9 Smog failed in a material respect to comply with the provisions of this chapter or regulations  
10 adopted pursuant to it by issuing electronic smog check certificates of compliance for the ten (10)  
11 vehicles without performing bona fide inspections of the emissions control devices and systems  
12 on those vehicles, thereby depriving the People of the State of California of the protection  
13 afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference  
14 incorporates, the allegations set forth above in paragraphs 25 through 70, as though fully set forth.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Failure to Comply with the Motor Vehicle Inspection Program)**

17 74. Respondent La Brea Smog's Smog Check, Test Only Station License is subject to  
18 discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that between  
19 March 9, 2025, through April 29, 2025, regarding vehicles 1 through 10, set forth above,  
20 Respondent La Brea Smog failed to comply with the following sections of that Code:

21 a. **Section 44012:** Respondent La Brea Smog failed to ensure that the emission control  
22 tests were performed on vehicles 1 through 10, in accordance with procedures prescribed by the  
23 department.

24 b. **Section 44015, subdivision (b):** Respondent La Brea Smog issued electronic smog  
25 check certificates of compliance for vehicles 1 through 10, without ensuring that the vehicles  
26 were properly tested and inspected to determine if they were in compliance with Health and  
27 Safety Code section 44012.

28 ///

1 c. **Section 44059:** Respondent La Brea Smog willfully made false entries for the electronic  
2 smog check certificates of compliance by certifying that those vehicles had been inspected as  
3 required when, in fact, they had not.

4 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
5 paragraphs 25 through 70, as though fully set forth.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Failure to Comply with Regulations Pursuant to the**  
8 **Motor Vehicle Inspection Program)**

9 75. Respondent La Brea Smog's Smog Check, Test Only Station License is subject to  
10 discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between  
11 March 9, 2025, through April 29, 2025, regarding vehicles 1 through 10, set forth above,  
12 Respondent La Brea Smog failed to comply with provisions of California Code of Regulations,  
13 title 16, as follows:

14 a. **Section 3340.24, subdivision (c):** Respondent La Brea Smog falsely or fraudulently  
15 issued electronic smog check certificates of compliance for those vehicles without performing  
16 bona fide inspections of the emission control devices and systems on the vehicles as required by  
17 Health and Safety Code section 44012.

18 b. **Section 3340.35, subdivision (c):** Respondent La Brea Smog issued electronic smog  
19 check certificates of compliance even though those vehicles had not been inspected in accordance  
20 with section 3340.42 of that Code.

21 c. **Section 3340.41, subdivision (c):** Respondent La Brea Smog knowingly entered false  
22 information into the on-board diagnostic inspection system for the ten (10) vehicles identified.

23 d. **Section 3340.42:** Respondent La Brea Smog failed to conduct the required smog tests  
24 and inspections on those vehicles in accordance with the Bureau's specifications.

25 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
26 paragraphs 25 through 70, as though fully set forth.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit)**

3 76. Respondent La Brea Smog’s Smog Check, Test Only Station License is subject to  
4 discipline pursuant to Health and Safety Code sections 44072.2, subdivision (d) in conjunction  
5 with 44072.10, subdivision (c), in that between March 9, 2025, through April 29, 2025, regarding  
6 vehicles 1 through 10, set forth above, Respondent La Brea Smog committed acts involving  
7 dishonesty, fraud or deceit whereby another was injured by issuing electronic smog check  
8 certificates of compliance for those vehicles without performing bona fide inspections of the  
9 emission control devices and systems on the vehicles, thereby depriving the People of the State of  
10 California of the protection afforded by the Motor Vehicle Inspection Program. Complainant  
11 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 25  
12 through 70, as though fully set forth.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 **(Violations of the Motor Vehicle Inspection Program – Respondent Martinez)**

15 77. Respondent Martinez’s Smog Check Inspector License is subject to disciplinary  
16 action under Health and Safety Code section 44072.2, subdivision (a), in that between March 9,  
17 2025, through April 29, 2025, regarding vehicles 1 through 10, set forth above, Respondent  
18 Martinez violated the following Health and Safety Code sections:

19 a. **Section 44012, subdivision (a):** Respondent Martinez failed to determine that all  
20 emission control devices and systems required by law were installed and functioning correctly on  
21 the vehicles identified above in accordance with test procedures prescribed by the Bureau.

22 b. **Section 44012, subdivision (f):** Respondent Martinez failed to perform emission  
23 control tests on the vehicles identified above in accordance with procedures prescribed by the  
24 Bureau.

25 c. **Section 44032:** Respondent Martinez failed to perform tests of the emission control  
26 devices and systems on the vehicles identified above in accordance with section 44012 of the  
27 Health and Safety Code, in that the vehicles had been clean plugged.

28 ///

1 d. **Section 44059:** Respondent Martinez willfully made false entries for the electronic  
2 certificates of compliance by certifying that the vehicles identified above had been inspected as  
3 required when, in fact, they had not.

4 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
5 paragraphs 25 through 70, as though fully set forth.

6 **EIGHTH CAUSE FOR DISCIPLINE**

7 **(Failure to Comply with Regulations Pursuant to the**  
8 **Motor Vehicle Inspection Program – Respondent Martinez)**

9 78. Respondent Martinez’s Smog Check Inspector License is subject to discipline  
10 pursuant to Health and Safety Code section 44072.2, subdivision (c), in that between March 9,  
11 2025, through April 29, 2025, regarding vehicles 1 through 10, set forth above, he failed to  
12 comply with provisions of California Code of Regulations, title 16, as follows:

13 a. **Section 3340.24, subdivision (c):** Respondent Martinez falsely or fraudulently issued  
14 electronic smog check certificates of compliance without performing bona fide inspections of the  
15 emission control devices and systems on those vehicles as required by Health and Safety Code  
16 section 44012.

17 b. **Section 3340.30 subdivision (a):** Respondent Martinez failed to inspect and test those  
18 vehicles in accordance with Health and Safety Code sections 44012.

19 c. **Section 3340.41, subdivision (c):** Respondent Martinez knowingly entered false  
20 information to the on-board diagnostic inspection system for the ten (10) vehicles identified.

21 d. **Section 3340.42:** Respondent Martinez failed to conduct the required smog tests and  
22 inspections on those vehicles in accordance with the Bureau's specifications.

23 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
24 paragraphs 25 through 70, as though fully set forth.

25 **NINTH CAUSE FOR DISCIPLINE**

26 **(Dishonesty, Fraud, or Deceit – Respondent Martinez)**

27 79. Respondent Martinez’s Smog Check Inspector License is subject to disciplinary  
28 action under Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health

1 and Safety Code section 44072.10, subdivision (c), in that between March 9, 2025, through April  
2 29, 2025, regarding vehicles 1 through 10, set forth above, Respondent Martinez committed acts  
3 involving dishonesty, fraud, or deceit when he issued electronic smog check certificates of  
4 compliance for the vehicles without performing bona fide inspections of the emission control  
5 devices and systems on those vehicles, thereby depriving the People of the State of California of  
6 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by  
7 this reference incorporates, the allegations set forth above in paragraphs 25 through 70, as though  
8 fully set forth.

9 **OTHER MATTERS**

10 80. Pursuant to Code section 9884.7, subdivision (c), the director may suspend, revoke,  
11 or place on probation the registrations for all places of business operated in this state by Salvador  
12 Rafael Diaz upon a finding that said Respondent has, or is, engaged in a course of repeated and  
13 willful violations of the laws and regulations pertaining to an automotive repair dealer.

14 81. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test Only  
15 Station License No. TC 292117, issued to Salvador Rafael Diaz-Owner dba La Brea Smog  
16 Check, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Div 26  
17 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended  
18 by the director.

19 82. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
20 License No. EO 645367, issued to Jesus Omar Martinez, is revoked or suspended, any additional  
21 license issued under Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of  
22 said licensee may be likewise revoked or suspended by the director.

23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
25 and that following the hearing, the Director of the Department of Consumer Affairs issue a  
26 decision:

27 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
28 292117, issued to Salvador Rafael Diaz-Owner dba La Brea Smog Check;

